

LYNCHBURG CITY COUNCIL REPORT

Meeting Date: January 29, 2002
Contact: Margaret Schmitt (847-1315)

Council Report # **AGENDA ITEM # 5**
Report Writer: Margaret Schmitt (847-1315)

Subject: Code of Conduct Policy

Purpose of Action:

- To update the Code of Conduct for the City of Lynchburg to ensure compliance with changes by the General Assembly to VA State Code Title 15.2- 15 12.2 and to modernize the language

Requested Action: Adopt the revised Code of Conduct Policy

Prior Action: January 22, 1974: City Council Meeting

Attachments: Revised Policy

Resolution/Ordinance:

BE IT RESOLVED that the revised Code of Conduct policy for the City of Lynchburg is hereby adopted, effective immediately.

Adopted:

Certified:

Clerk of Council

Other Information: On January 22, 1974 the Lynchburg City Council adopted a “Code of Standards of Required Conduct” that applied to all employees of the City of Lynchburg. The Code served the organization well and was a valuable tool in creating public confidence and avoiding conflict of interest or the appearance of conflict of interest. However, the General Assembly of the Commonwealth of Virginia passed legislation (VA State Code Title 15.2-1512.2) effective July 1, 2000 that requires revision to the Code to ensure compliance with the law. Title 15.2-1512.2 provides that no locality shall prohibit public safety employees from participating in political activities while these employees are off duty, out of uniform and not the premises of the employment. The revised policy incorporates the changes required by the legislation for all employees rather than treating public safety employees and non-public safety employees differently. The revision also modernizes and simplifies the policy where appropriate.



City of Lynchburg Online Policy System

Policy Document

DOCUMENT INFORMATION

Document Information

Subject: Code of Conduct	Last Updated: 01/18/2002	Year(s) to next review: 3
Category: Personnel	Effective Date:	Optional Reviewer(s):
Sub-Category: Employee Relations	Supersedes/Amends:	

I. POLICY

A. Policy Statement:

The City of Lynchburg, through City Council resolution, requires that employees follow the "Code of Conduct for Municipal Service to the City of Lynchburg" reflecting the highest ethical standards and promoting public confidence in City government.

B. Applicability:

This Code of Conduct is established for all municipal employees, excluding school personnel and members of boards and commissions. All employees of the City of Lynchburg. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

II. OBJECTIVE

A. Policy Objective:

The ~~effective proper~~ operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. ~~In recognition of these goals there is hereby established a this Code of Conduct is established for all municipal employees, excluding school personnel and members of boards and commissions.~~ The purpose of this Code is to establish ethical standards of ethical conduct for all such employees by setting forth those acts or actions that are incompatible with the best interests of the City. ~~and by directing disclosure by such employees of any private financial or other interest which might directly or indirectly affect the City.~~ The provisions and purpose of this Code and accompanying such rules and regulations ~~as may be established are hereby declared to be~~ established in the best interests of the City of Lynchburg.

B. Background:

On January 22, 1974, the Lynchburg City Council adopted a Code of Standards of Required Conduct which applied to all employees of the City of Lynchburg, Virginia. The Code served the organization well and was a valuable tool in creating public confidence and avoiding conflict of interest or the appearance of conflict of interest. The General Assembly of the Commonwealth of Virginia passed legislation effective July 1, 2000 that requires revision to the Code to ensure compliance with state law. This revised policy incorporates the changes required by the legislation and updates the policy where needed.

III. PROCEDURES

RESPONSIBILITIES OF PUBLIC OFFICE

Municipal employees are agents of the citizens ~~public purpose~~ and are entrusted ~~by office~~ to pursue the "public good" at all times. As such, they are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest ~~ethical standards of ethics and~~ to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

DEDICATED SERVICE

All City of Lynchburg employees ~~of the municipality~~ are expected to be loyal to the objectives expressed by the electorate through the City Council ~~and the programs developed to attain those objectives~~. Employees shall adhere to the rules of work and performance established as the standard for their positions. ~~by the appropriate authority~~. Employees shall not exceed their authority, ~~or breach~~ the law or ask others to do so, and ~~they~~ shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality concerns. ~~of their work~~.

FAIR AND EQUAL TREATMENT

~~(a) Interest in Appointments.~~ ~~Canvassing of members of the Council, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment except with reference to positions filled by appointment by the Council.~~

~~(b)(e) Obligations to Citizens.~~ No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

~~(a)(b) Use of Public Property.~~ No employee shall ~~use request~~ or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

CONFLICT OF INTEREST

As provided in Title 2.1 of the Code of Virginia (The Virginia Conflict of Interests Act) no employee shall engage in any private financial or other interest which might impact the performance of his/her official duties. No employee shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or would tend to impair his/ her independence of judgment or action in the performance of his/her official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association. Employees are also bound by the additional guidance outlined below: Specific conflicts of interest are outlined enumerated below for the guidance of employees:

(a) Incompatible Employment. No employee shall engage in or accept ~~other private employment~~ or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or ~~would tend to~~ impair his/her independence of judgment or action in the performance of his/her official duties. With management's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with City employment.

(b) Disclosure of Confidential Information. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, which would ~~provide information to~~ advance the financial or other special interest of him&self or others.

(c) Gifts and Favors. No employee shall accept any ~~valuable gift or favor~~, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation intended to, or which may, influence him/her in the discharge of his/her duties, which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any official or employee

~~(1) accept any gift, favor or thing of value that may tend to influence him/her in the discharge of his duties, or~~
~~(2) grant in the discharge of his/her duties any improper favor, service or thing of value.~~

(d) Representing Private Interests Before City Agencies ~~or Courts~~. No employee ~~whose salary is paid in whole or in part by the City shall appear in behalf of private interests~~ shall represent his/her own or any other private interest before any agency of the City, unless he/she is doing so as a member of a recognized organization or is speaking on an issue of general public interest. He/she shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.

~~(c) Other Conflict of Interest. No employee shall violate the provisions of Title 2.1 of the Code of Virginia (The Virginia Conflict of Interests Act.) nor engage in any private financial or other interest which might impact the performance of official duties.~~

POLITICAL ACTIVITY

City employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the City.

For the purpose of this policy, the term "political activities" includes, but is not limited to: "voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on nolitcal subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for anv political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a nolitcal candidate." (CL-1 State Code Title 15.2-1512.2)

The components of this section are designed to promote public trust and confidence in City government by ensuring that it is free of the actual or apparent influence of partisan politics and to ensure that employment and advancement in the City are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee's right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer. ~~A municipal employee may belong to a political party or organization but shall be ineligible to serve as officer of, or delegate of, or organizer of, or preside over a political party or organization. No employee shall orally, by letter, or otherwise solicit or be in any manner concerned, directly or indirectly, in the solicitation of any assessment, subscription, or contribution to any political organization or party.~~

Every employee is encouraged to ~~exercise his or her franchise by casting his/her ballot~~ vote in every appropriate election. ~~He or She should not, however, take part in political campaigns, nor shall he or she become a candidate for political election.~~ Moreover, except during working hours or when officially representing the City of Lynchburg, any municipal employee is free to express his or her opinion as to candidates or issues- and to meet with candidates for office.

Employees may be candidates for political office but must resign, or shall be released, from employment with the City upon successful election to nolitcal office within the City of Lynchburg or other political office if the responsibilities of that office will interfere with the employee's ability to perform the duties of his/her City position.

Under no circumstances ~~shall~~ **may** an employee engage in political activities while performing the official duties of his/her City position, use any City property or equipment to engage in political activity or ~~to~~ appear as a candidate while dressed in City uniforms or clothing that identifies the individual as a City employee.

No employee shall use the prestige of ~~his/her~~ **their** position on behalf of ~~any~~ political organization or party. For purposes of this Code, a "political organization" shall be defined as "any group, formal or informal, which endorses candidates for elective office at any level of government-- national, state or local."

No employee shall use his/her official authority to coerce or attempt to coerce a subordiante employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.

City employees are prohibited from discriminating in the provision of City services or responding to requests for services, on the basis of the political affiliations or nolitcal activities of the person or organization for which such services are provided or requested.

City employees are prohibited from suggesting or implying that the City has officially endorsed a political party.

candidate or campaign.

CONSEQUENCES OF VIOLATION-SANCTIONS

~~Violation of any provision of this Code should raise conscientious questions for the employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the City. Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal, suspension, removal from office or employment, or other disciplinary action.~~

"Frequently Asked Questions" concerning the Code of Conduct is attached.

IV. ADMINISTRATION

A. Office of Primary Responsibility:

Office of Human Resources

V. ATTACHMENTS

A. Attached Files:



Frequently Asked Questions.d

FREQUENTLY ASKED QUESTIONS CONCERNING THE CODE CONDUCT FOR THE EMPLOYEES OF THE CITY OF LYNCHBURG, VIRGINIA

1. Who does the Code Conduct apply to?

A. The Code covers all full and part-time municipal employees of the City of Lynchburg, excluding School personnel and all members of boards and commissions of the City.

2. Why did the City Council of Lynchburg, Virginia, decide to adopt this Code?

A. More than any other group of employees, government workers, and particularly municipal employees, must carry out their duties impartially for all citizens and must avoid favoring special groups or individuals. Just as other professional groups like doctors, lawyers, and realtors have codes of ethical conduct, the need for such a code is particularly important for government workers because of their responsibility to the public.

3. If public employees serve the will of the citizens, how do they know what the general public wants?

A. The City Council is elected to represent the people and they determine the prevailing wishes of the general public and represent the citizens' wishes in deciding municipal policy. If municipal employees adhere to the policies expressed by City Council, he/she can assume that he/she is providing appropriate service to the City and its citizens.

4. May employees-approach-members of the Lynchburg City Council in order to receive preferential consideration for a promotion or job?

A. No, attempting to use the influence of City Council to gain favor for any employment decision shall disqualify the candidate for consideration except with reference to positions filled by appointment by the Council itself.

5. May a City employee use City-owned vehicles or equipment or materials or any other City property for his or her personal reasons?

A. No, an employee may not use City equipment for his or her personal reasons. City employees may use such public property only if such use is available to the general public or when such use is specifically permitted by municipal policy in the conduct of official business.

6. Is a City employee allowed to give special treatment or favors to any citizen?

A. No, municipal employees have a responsibility to serve all citizens in an equal and impartial manner.

7. Is it O.K. for a City employee to hold down another job in addition to what he/she does for the City?

A. Sometimes -- such employment is permissible when the employee has received management's approval and if it does not interfere with the employee's official city duties nor does it cause him/her to show favoritism to him/herself, friends, or other persons or groups

8. What about confidential City information?

A. No employee of the City of Lynchburg shall use confidential information for his/her own benefit nor disclose information concerning the property, government, or affairs of the City, which would advance the financial or other special interests of him/herself or others.

9. If someone offers me a gift for doing something to assist him either before or after I do it, may I accept the gift?

A. No, the acceptance of any gift or favor -- be it a service, a loan, a thing, or a promise-- which would or might influence the way an employee performs his/her job duties is prohibited,

10. If some person or group asks me to talk to another City official, agency, or court for them, may I do it?

A. City employees must maintain their impartiality; and for this reason, no municipal employee may represent any private interests before any other City group or City-related body. An employee may speak on issues of general public interest or as a member of an organization such as his/her neighborhood association or non-profit organization but cannot represent his/her own or others individual interests such as personal working conditions.

11. As a City employee are there any other conflicts of interest which I must avoid?

A. The primary governing rule is Title 2.1 of the Code of Virginia (The Virginia Conflict of Interest Act). Employees must comply with all of the provisions contained in the law.

12. What guidance does the Code of Conduct provide concerning political activity of City employees?

A. Employees of the City of Lynchburg must not actively participate in political campaigns and elections while on duty, when easily identified as a City employee or by using City employment as an advantage. With the restrictions noted, City employees may run for office but cannot continue his/her employment is elected to public office within the City of Lynchburg or other political office if the responsibilities of that office will interfere with the employee's ability to perform his/her City duties.

13. What political activity is not prohibited by the Code?

A. Employees of the City of Lynchburg have a right to register and vote and employees are encouraged to do so. An employee may express his opinion on political questions and candidates. However, he/she may not use the prestige of his/her position on ~~in~~ behalf of any candidate for elected office, or any political organization or party.

14. Can City employees belong to political parties?

A. Yes, a municipal employee may belong to a political party organization

15. Is a City employee entitled to make a financial contribution?

A. Yes, an employee does not violate provisions of the Code by making a political contribution to a political organization. He shall not, however, be in any manner associated with the solicitation of any assessment, subscription, or contribution to any political organization or party while on duty, while dressed in City uniforms or other clothing identifying City employment or by using the prestige of City employment..

16. May employees of the City of Lynchburg attend political rallies?

A. Employees may attend political rallies but they are not permitted to take an active part in the conduct of any such rally while on duty, while dressed in City uniforms or other clothing identifying City employment or by using the prestige of City employment.

17. May an employee work as a part-time volunteer for a candidate

A. Yes, so long as the volunteer work is completed while the employee is off-duty and no City owned equipment or materials are used.

18. What are some of the other activities that are generally prohibited?

A. City employees are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.

Employees are prohibited from discriminating in the provision of services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested. Employees are also prohibited from suggesting or implying that the City has officially endorsed a political party, candidate or campaign.

19. Is an employee allowed to assist actively in voter registration drives?

A. Yes, so long as they do not do so while on duty, while dressed in City uniforms or other clothing identifying City employment, by using the prestige of City employment and no City equipment or materials are used.

20. May City employees wear campaign buttons or display bumper stickers on their personal vehicles?

A. Yes, both are generally permissible; except that wearing such buttons while on-duty is prohibited.

21. Does the Code apply to part-time and temporary employees?

A. Yes, it applies to both.

22. If a City employee does not know whether a particular action is restricted by the Code, what should he/she do?

A. Questions as to the provisions of this Code should be directed to the Director of Human Resources for guidance on the matter

23. If a City employee violates a provision of the Code, what happens?

A. Violation of any provisions of the Code may constitute a cause for disciplinary action up to and including dismissal from employment.